IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO. 4621 OF 2005

Bhagwan Tukaram Adole & others ..... Appllicants.

versus

The State of Maharashtra ..... Respondents.

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Mr. Rajendra Shirodkar for the applicants
Mr. R.Y. Mirza APP for the State.

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CORAM ; A.M. KHANWILKAR, J.

DATED; 31ST AUGUST, 2005

P.C.;

1. Heard the counsel for the applicants and the learned APP.

2. The present application is filed by the accused nos. 4,7,8,10,12,15,17,19,23 and 26. This is the second bail application. The earlier bail application filed by the accused persons came to be rejected by the order dated 15th April 2005. The reason for rejection of the bail application has already been recorded in my order dated 15th April 2005. However, the applicants are now relying on the subsequent order passed by this court (A.S. Oka, J.) dated June 30, 2005 in Criminal

Application No. 3856 of 2005. The applicants named therein are granted bail. In paragraph 7 of the said order it is noted that the tension in the village has now disappeared and considering the fact that the charge sheet is filed and no specific role of using weapons is ascribed to any of the applicants therein hence the bail was granted.

3. The learned APP states on instructions that the role attributed to the present applicants is similar to the accused who have already released on bail by order dated 30th June 2005 by Justice A.S.Oka. The learned APP fairly accepts that the same reasons would apply in so far as as the present applicants are concerned and it is not possible for him to resist the present application though, in my order dated 15-4-2005 I have observed that the role attributed to the applicants herein will make no difference because from the prosecution case, it is seen that the applicants were also the members of the unlawful assembly. As the APP has not resisted the present application, the applicants are directed to be released on bail on the same conditions as in respect of accused nos.22 and 25 who were released by me by order dated 15/4/2005, which reads thus:

(A) The applicants accused nos. 4,7,8,10,12,15,17,19,23 and 26 are released on bail in connection with CR No.98/2004 registered with Igatpuri POlice Station, District Nashik, on executing personal bond in the sum of Rs. 15,000/- (Rupees Fifteen thousand only) each with two local sureties in the like amount.

(B) Applicants shall not influence prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) Applicants shall not enter Igatpuri Taluka during the pendency of trial except to attend the court case on the specified dates.

(D) Applicants shall inform their place of residence to the investigating officer as well as the trial court within one week from the date of release. In addition, they shall report to the nearest police station once in a month on first Saturday of every English calendar month between 10.00 a.m. to 2.00 p.m. till the disposal of the trial.

(E) Applicants shall co-operate for early disposal of the trial. If the trial court is of the opinion that they are responsible for delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

This application is disposed of on the above terms.

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